

REMARKS

This responds to the Office Action mailed on January 11, 2008.

Claims 13, 19, and 26 are amended, claims 1-12 and 25 are canceled, and no claims are added; as a result, claims 13-15, 19-24, and 26 stand pending in this application. The amendments are fully supported by the current application (e.g., at page 11, lines 5-7, FIG. 3A, callout 305) and add no new matter.

Examiner Interview Summary

Applicants would like to thank Examiner Maikhanh Nguyen for the courtesy of a phone interview on March 19, 2008 between the Examiner and Applicants' representative Ali Mireshghi. During the interview the claims and the cited references were discussed and the Examiner proposed a restriction requirement, requiring Applicants to elect one of the: Group 1, consisting of claims 1-12 and 25, or Group 2, consisting of claims 13-16, 19-24 and 26. Applicants' representative agreed to elect Group 2 and cancel claims 1-12 and 25, reserving the right to reintroduce the canceled claims in a continuation application.

Also, Applicants agreed to amend the elected independent claims of the application to place them in better condition for reconsideration and allowance.

§103 Rejection of the Claims

Claims 1-15 and 19-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Langheinrich et al. (U.S. 6,654,725; hereinafter "Langheinrich") in view of Hess et al. (U.S. 7,007,076; hereinafter "Hess").

For the reasons that will be set forth below, Applicants respectfully submit that, in light of the amendments, the identified claims are non-obvious over Langheinrich in view of Hess, and are therefore allowable.

Claim 13, as amended, recites, in pertinent part, "retrieving a set of images from a group of images using the set of random numbers as an index into a gallery of images." In rejecting claim 13 the Office Action has relied on Langheinrich, col. 8, lines 1-18 and Abstract, respectively, as disclosing the claimed feature of "obtaining a set of random numbers, the set containing . . ." and "placing the set of retrieved images in the markup language document."

Applicants respectfully submit that Langheinrich's disclosures do not show the amended claim 13 feature of *using a set of the set of random numbers as an index into a gallery of images*.

(Emphasis added throughout) Langheinrich at col. 8, lines 1-18 states that the system chooses a random advertisement according to the given probabilities:

“provide a list of display probabilities for all available advertisements in the system, given the values of each customization variable. . . . For each value of a customization variable, this list of probabilities for each advertisement has to add up to 1.0, i.e. in every case the system has to be able to choose one and only one of the available advertisements. After compiling this display distribution for all advertisements in a relevancy computation module 2002, the system chooses a random advertisement according to the given probabilities (weight) 2005. . . .”¹

According to the cited passage, Langheinrich's system provides a list of display probabilities for all available advertisements and after compiling the display distribution, chooses a random advertisement according the given probabilities. Langheinrich's Abstract provides “The system inserts a customized advertisement into the page that matches the page content or search topic.” However, the cited passages are silent with respect to *using the set of random numbers as an index into a gallery of images*. As such, Langheinrich does not disclose the limitation of “*retrieving a set of images from a group of images using the set of random numbers as an index into a gallery of images*,” as recited in the amended claim 13. Applicants could not find any passage in the disclosure by Hess that teaches or suggests the claim limitation that was shown to be missing from Langheinrich. Therefore, Applicants respectfully submit that there are substantial differences between what is claimed and what is shown in Langheinrich and Hess, whether they are considered separately or in combination.

Because the cited documents do not show all of the elements of the claimed subject matter of the amended claim 13, those differences are significant and non-obvious to a person of ordinary skill in the art at the time the application was filed. As such, at least for the reasons set forth above, claim 13 and its dependent claims 14-15 are not rendered obvious by the combination and, thus, are allowable.

The same arguments as presented with respect to claim 13 are also applicable to a consideration of the amended claims 19 and 26. Therefore, at least for the reasons articulated

¹ Langheinrich, col. 8, lines 1-18

above with respect to claim 13, amended claims 19 and 26, and dependent claims 20-24 are also allowable.

As such, it is respectfully requested the claim rejections under 35 U.S.C. § 103(a) be reconsidered, in view of the amendments, and withdrawn.

Claims 12 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Langheinrich in view of Hess as applied to claims 1 and 13 above, and further in view of McCollom et al. (U.S. 6,925,444; hereinafter "McCollom").

Claims 12 and 14 have been canceled.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at 408-278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


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Date April 11, 2008

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11 day of April 2008.


Name


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